

**REMARKS**

Claims 1-29 were pending prior to this response. Claims 26 and 28 have been amended in this response. New claims 30-33 have been added in this response.

Claims 1-29 have been rejected under 35 U.S.C. 102(e) as being anticipated by Conley, Jr. et al. (U.S. Patent No. 6,434,745). This rejection is respectfully traversed.

With respect to claim 1, simply nowhere in Conley, Jr. et al. is it taught, suggested or disclosed the combinations limitations set forth in claim 1. In Conley, Jr. et al., a publisher's content is accessed using a browser (*see e.g.*, Abstract lines 3-5, Fig. 9, col. 5, lines 42-43). In addition, it is the browser itself (through its event statistics component) that monitors end user behavior (*see* col. 5, lines 59-67). In contrast, the embodiment set forth in claim 1, two separate applications are provided: one for accessing sites via the network (*i.e.*, the second application claimed in claim 1) and another separate application (*i.e.*, the first application claimed in claim 1) that monitors the application accessing the sites. In one implementation, the second application claimed in claim 1 may be a browser while the first application may be a client message system (or a portion thereof). As claim 1 states "content is received... for presentment by the first application" and not by the second application which is accessing sites on the network. As a result, claim 1 is believed to be patentably distinguishable from Conley, Jr. et al. Claims 2-8 depend from claim 1 and, by virtue of their dependency, are believed to be in condition for allowance.

Similarly, the embodiment set forth in claim 9 also requires two separate applications are provided: one for accessing sites via the network (*i.e.*, the second application claimed in claim 1) and another separate application (*i.e.*, the first application claimed in claim 1) that monitors the application accessing the sites. Because Conley, Jr. et al. only discloses a system where a browser (or component thereof) monitors its own activity (*i.e.*, the activities of an end user using the browser), claim 9 is also believed to be allowable over Conley, Jr. et al. Claims 10-16 depend from claim 9 and therefore, these claims are also believed to be in condition for allowance by virtue of their dependency.

The embodiment set forth in claim 17 also requires two separate applications are provided: one for accessing sites via the network (*i.e.*, the second application claimed in claim 1) and another separate application (*i.e.*, the first application claimed in claim 1) that monitors the application accessing the sites. Therefore, for similar reasons as set forth for claims 1 and 9, claim 17 is believed to be allowable over Conley, Jr. et al. Claims 18-24 depend from claim 17 and thus are believed to be in condition for allowance.

Claim 25 claims an embodiment where two separate applications are provided: one for accessing sites via the network (*i.e.*, the second application claimed in claim 1) and another separate application (*i.e.*, the first application claimed in claim 1) that monitors the application accessing the sites. In contrast, a publisher's content is accessed using a browser In Conley, Jr. et al. (*see e.g.*, Abstract lines 3-5, Fig. 9, col. 5, lines 42-43). In addition, it is the browser itself (through its event statistics component) that monitors end user behavior (*see* col. 5, lines 59-67). Conley, Jr. et al. simply does not teach, suggest or disclose the combination of limitations set forth in claim 25. Therefore, claim 25 is believed to be in condition for allowance.

The embodiment set forth in Claim 26 has been amended in a manner patentably distinct from Conley, Jr. et al. Claim 26, as amended, now requires that the "rules for controlling the presentment of the content [include] priority information for use in determining whether to present the content before other content." Simply nowhere in Conley, Jr. et al. is such a combination of limitations disclosed or suggested. As a result, amended claim 26 is believed to be patentable over Conley, Jr. et al.

Similar to claim 25, claim 27 sets forth an embodiment where two separate applications are provided: one for accessing sites via the network (*i.e.*, the second application claimed in claim 1) and another separate application (*i.e.*, the first application claimed in claim 1) that monitors the application accessing the sites. Thus for reasons similar to those for claim 25, claim 27 is believed to be patentable over Conley, Jr. et al.

Claim 28 also includes similar limitations to that set forth in claim 25. In addition, Claim 28 has been amended to require that a table be accused via the network in order to determine whether the content is available prior to receiving the content. For at least the reasons set forth above for claim 25, claim 28 as amended is also believed to be patentable over Conley, Jr. et al.

Claim 29 claims an embodiment similar to that claimed under claims 25 and 27. Therefore, for at least the reasons set forth above for claims and 27, claim 29 is also believed to be patentable over Conley, Jr. et al.

For the reasons set forth above, withdrawal of the rejection under 35 U.S.C. 102(e) for claims 1-29 is respectfully requested.


If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3215.

In addition, if for any reason an insufficient fee has been paid, the Examiner is hereby authorized to charge the insufficiency to Deposit Account No. 05-0150.

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